

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

ADRIAN HOYLE

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:21-cv-00171-NBB-RP

**CITY OF HERNANDO, MISSISSIPPI,
ET AL.**

DEFENDANTS

**MUNICIPAL DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS OR,
ALTERNATIVELY, FOR SUMMARY JUDGMENT**

Municipal Defendants the City of Hernando, Scott Worsham in his official capacity as Chief of Police of the Hernando Police Department, and Officer Lynn Brown individually and in his official capacity as a Hernando Police Officer (“Municipal Defendants”) move to dismiss Plaintiff Adrian Hoyle’s (“Plaintiff”) complaint pursuant to Federal Rule of Civil Procedure 12(c) or, alternatively, pursuant to Federal Rule of Civil Procedure 56. The contemporaneously filed memorandum in support explains in detail the bases for the requested relief, including that the complaint includes allegations that lack any evidentiary support, that Hoyle did not suffer any constitutional violation, that Municipal Defendants are entitled to sovereign immunity and qualified immunity, and Plaintiff’s state-law claims are barred by the Mississippi Tort Claims Act’s notice and immunity provisions.

For the reasons articulated in the memorandum, Municipal Defendants respectfully request an order of dismissal.

Dated: September 14, 2021.

Respectfully submitted,

PHELPS DUNBAR, LLP

BY: /s/ G. Todd Butler

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**ATTORNEYS FOR MUNICIPAL
DEFENDANTS**

CERTIFICATE OF SERVICE

I certify that, on September 14, 2021, I had a copy of this document electronically filed with the Clerk of the Court, using the CM/ECF system, which sent notification of such filing to all counsel of record.

/s/ G. Todd Butler

G. TODD BUTLER